

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

SAMUEL RODRIGUEZ REYNA,

Petitioner,

VS.

WILLIAM STEPHENS,

Respondent.

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CIVIL ACTION NO. 2:14-CV-54

ORDER DENYING MOTION FOR APPOINTMENT OF COUNSEL ON APPEAL

Final judgment dismissing Petitioner’s Section 2254 petition was entered April 6, 2015 (D.E. 53). On April 24, 2015, Petitioner timely filed his notice of appeal (D.E. 55). On April 10, 2015, Petitioner filed a motion titled “Motion for Leave to File Supplementary Reply Requesting Court Appointed Attorney” (D.E. 54). The motion will be construed as a motion requesting appointment of counsel on appeal.

There is no constitutional right to counsel in federal habeas proceedings. *Johnson v. Hargett*, 978 F.2d 855 (5th Cir. 1992). The Rules Governing § 2254 Cases require that counsel be appointed if the habeas petition raises issues which require discovery or mandate an evidentiary hearing. Rules 6 & 8, Rules Governing § 2254 Cases. There was no discovery permitted and no evidentiary hearing held in this case. Petitioner’s pleadings demonstrate that he has access to the law library and that he has the skills necessary to adequately brief the issues in this case.

Accordingly, petitioner's motion for appointment of counsel on appeal (D.E. 54) is denied.

ORDERED this 6th day of May, 2015.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE